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APR 18 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF FARMINGTON, ILLINOIS,

Petitioner,

v.

BNSF RAILWAY,

Respondent.

Docket No. T07-0024

MOTION TO INTERVENE
MOTION TO DISMISS
MOTION TO CONTINUE HEARING

NOW COMES KEOKUK JUNCTION RAILWAY CO. ("KJRY"), and hereby moves for leave to intervene in the above captioned proceeding, and for leave to file the following Motion to Dismiss and Motion to Continue Hearing, and in support thereof states as follows:

KJRY has a direct interest in this proceeding, as KJRY currently has a signed agreement to lease the segment of track that includes the subject crossings from BNSF Railway ("BNSF"); said Lease being the subject of a pending Surface Transportation Board proceeding to authorize the lease and operation of said trackage (STB Finance Docket Number FD-34974).

KJRY respectfully requests that this Proceeding be dismissed, as Paragraph #5 of the Petition states, incorrectly, that BNSF is in the process of abandoning the trackage. BNSF is not attempting to abandon the trackage at issue (See BNSF filing of December 1, 2006 in Docket No. AB-6 (Sub. No. 431(X)), explaining the confusion as to the extent of the abandonment).

KJRY intends to actively operate the line at issue, as soon as the Surface Transportation Board grants it operating authority.

In event the Petition is not dismissed instanter, KJRY respectfully requests that the hearing set for April 26, 2007 be continued. KJRY did not receive a copy of this Petition until Friday, April 13, and KJRY's counsel will be unavailable on that date due to a previously-

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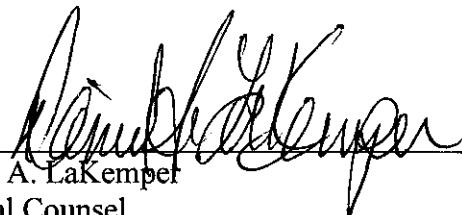
scheduled commitment.

KJRY has discussed this matter with both counsel for BNSF, counsel for the Petitioner, and ICC staff. KJRY does not believe either party will be unfairly prejudiced by granting these Motions.

WHEREFORE, KJRY respectfully requests that it be granted leave to Intervene in this Proceeding and that the Petition be dismissed and/or the hearing set for April 26 be continued.

Respectfully submitted,

KEOKUK JUNCTION RAILWAY CO.

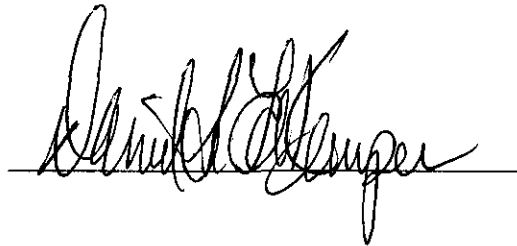
By: 
Daniel A. LaKemper
General Counsel

Dated April 16, 2007

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PROOF OF SERVICE

Daniel A. LaKemper, being first duly sworn on oath, deposes and states that on the 16th Day of April, 2007, I caused to be served, a true and correct copy of the above and foregoing document on the attorneys of record for all parties, at their respective addresses as disclosed by the pleadings of record herein, by depositing same in the U.S. Mail, first class postage fully prepaid, at Peoria, Illinois.

A handwritten signature in black ink, appearing to read "Daniel A. LaKemper", is written over a horizontal line.